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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,041	11/01/2001	Charles G. Williamson	09741620-0204	1233

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SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/003,041

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by *Abrams et al.*, (US 6,587,739).

As per claim 7, *Abrams* teaches a user identifier element that identifies a record in a database; and an appliance identifier element linked to the user identifier element that identifies an intelligent appliance. (col. 8, lines 37-41, Abstract, col. 9, lines 46-col. 13, lines 1-8)

As per claim 8, *Abrams* teaches a plurality of recipe program elements linked to the appliance identifier element.

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by *Ali*, (US 6,549,818).

*Ali* teaches a user identifier element that identifies a record in a database; and an appliance identifier element linked to the user identifier element that identifies an intelligent appliance. (Abstract, col. 2, lines 40-col. 5, lines 1-35)

As per claim 8, *Ali* teaches a plurality of recipe program elements linked to the appliance identifier element.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Abrams et al.*, (US 6,587,739).

As per claims 1 and 10, *Abrams* teaches a method for remote updating of intelligent household appliances, comprising:

- selecting a plurality of recipe programs associated with an intelligent appliance (col. 10, lines 39-45, col. 12, lines 1-3);
- storing the plurality of recipe programs in a user profile;
- downloading the plurality of recipe programs to the intelligent appliance;
- receiving a message from the intelligent appliance requesting a new recipe program;
- upon finding the new recipe program in a database, transmitting the new recipe to the intelligent appliance; and
- obtaining the new recipe program when program is not in the database.

*Abrams* teaches a method of remote updating of intelligent household appliances via an intelligent appliance controller (50, Fig.1). *Abrams* teaches of the intelligent appliance controller having several user profiles and allowing specific recipe to be downloaded according to each user's taste. Specifically, the intelligent appliances controller has the ability to request for updated software or new recipes from remote sources. The remote source will download the updated software or new recipe if the requested information is located in the database. It would have been obvious to one of ordinary skill that the remote source by *Abrams* will eventually download the updated software or new recipes when the information becomes available. (Abstract, col. 9, lines 46-col. 13, lines 1-8)

As per claims 2 and 11, *Abrams* teaches identifying a user profile associated with the intelligent appliance; and formatting a message containing the current plurality of recipes in the user profile.

As per claim 3 and 12, *Abrams* teaches identifying the possible recipe programs that are capable of being associated with the intelligent appliance.

As per claim 4 and 13, *Abrams* teaches generating a list of recipe programs from which the plurality of recipe programs associated with an intelligent appliance are selected.

As per claims 5 and 14, *Abrams* teaches accessing a web browser to access the user profile over the Internet.

As per claim 6 and 15, *Abrams* teaches downloading the plurality of recipes to the intelligent appliance selected from the group consisting of a bread machine, an intelligent oven and a coffeemaker. (Fig. 1)

As per claim 9, *Abrams* does not expressly teach of a UPC code element associated with each of the recipe program, nonetheless, *Abrams* teaches of each intelligent appliance having a house code. Therefore, it would have been obvious to one of ordinary skill that this house code is used to determined that intelligent appliance is

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hook up in the user's home and what recipes are available at the remote source that is associated with the intelligent appliance.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ali*, (US 6,549,818).

*Ali* teaches of each intelligent appliance having associated recipes that the user may download. It would have been obvious to one of ordinary skill that a code associated with the intelligent appliance is used to differentiate between the available recipes located on a remote server.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

A handwritten signature in black ink, appearing to read "Tammara Peyton". The signature is fluid and cursive, with the first name being more prominent.

Tammara Peyton

August 15, 2003